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Report of the Secretary-General on the work of the Organization

Letter dated 10 July 2001 from the Secretary-General to the President of the General Assembly

I have the honour to draw your attention to a letter dated 21 June 2001 addressed to me by the President of the Security Council, in which he requested that my report on the protection of civilians in armed conflict (S/2001/331) be transmitted to the members of the General Assembly. I would be grateful if you could bring this to the attention of Member States.

(*Signed*) Kofi A. **Annan**

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Report of the Secretary-General to the Security Council on the protection of civilians in armed conflict*

I. Towards a culture of protection

1. The Security Council, by its resolution 1296 (2000) of 19 April 2000, requested me to submit, by 30 March 2001, this second report on the protection of civilians in armed conflict, with a view to requesting additional such reports in the future. In my first report on the protection of civilians in armed conflict (S/1999/957), submitted to the Security Council on 8 September 1999, I painted a stark picture of the realities faced by millions of civilians around the world in situations of armed conflict, people caught in the midst of war and in dire need of aid and protection. Consequently, I recommended a clear course of action for the Security Council to compel parties to a conflict to better protect civilian populations and to respect the rights guaranteed to civilians by international law.

2. Unfortunately, the realities of distressed populations have not changed, and the majority of the important recommendations in that first report have yet to be put into practice. Recruitment and use of child soldiers, the proliferation of small arms, the indiscriminate use of landmines, large-scale forced displacement and ethnic cleansing, the targeting of women and children, the denial of even the most basic human rights, and widespread impunity for atrocities are still all too familiar features of war. The growing number of threats to the lives of local and international staff members of international organizations and other aid groups has added one more shameful characteristic to the reality of today's conflicts.

3. The context is therefore clear: as internal armed conflicts proliferate, civilians have become the principal victims. It is now conventional to say that, in recent decades, the proportion of war victims who are civilians has leaped dramatically, to an estimated 75 per cent, and in some cases even more. I say "conventional" because the truth is that no one really knows. Relief agencies rightly devote their resources to helping the living rather than counting the dead. Whereas armies count their losses, there is no agency mandated to keep a tally of civilians killed. The victims of today's atrocious conflicts are not merely anonymous, but literally countless. To some extent, this can be explained by changes in the nature of conflict. The decline of inter-State warfare waged by regular armies has been matched by a rise in intra-State warfare waged by irregular forces. Furthermore, and particularly in conflicts with an element of ethnic or religious hatred, the affected civilians tend not to be the incidental victims of these new irregular forces; they are their principal object.

4. In September 2000, all the States Members of the Organization pledged, in the United Nations Millennium Declaration (General Assembly resolution 55/2), to expand and strengthen the protection of civilians in complex emergencies, in conformity with international humanitarian law. Yet just as Member States have too often failed to address the calamitous impact of modern warfare on civilians, so, too, has the United Nations often been unable to respond adequately to their need for protection and assistance. My hope now is to move beyond an analysis of our past failures and to identify ways in which the international system can be strengthened to help meet the growing needs of civilians in war. The report of the Panel on United Nations Peace Operations (A/55/305-S/2000/809) has identified steps which the United Nations could take to improve its performance. In the present report, I wish to focus on additional steps which Member States must take to strengthen their own capacity to protect the civilian victims of war more effectively, and on initiatives that the Security Council and other organs of the United Nations can take to complement these efforts.

5. I believe that Member States, supported by the United Nations and other actors, must work towards creating a culture of protection. In such a culture, Governments would live up to their responsibilities, armed groups would respect the recognized rules of international humanitarian law, the private sector would be conscious of the impact of its engagement in crisis areas, and Member States and international organizations would display the necessary commitment to ensuring decisive and rapid action in the face of crisis. The establishment of this culture will depend on the willingness of Member States not only to adopt

* Previously issued as document S/2001/331.

some of the measures detailed below, but also to deal with the reality of armed groups and other non-State actors in conflicts, and the role of civil society in moving from vulnerability to security and from war to peace.

II. Parameters of protection

6. "Protection" is a complex and multi-layered process, involving a diversity of entities and approaches. It depends on the circumstances and stages of a particular conflict. Many countries are caught in a grey zone between war and peace: armed conflict may erupt sporadically in parts of the country, and may tend to intensify or to subside. In such situations, it often is the diversity of entities providing protection and their mandates that helps to cover a wide range of needs. Relevant activities may include the delivery of humanitarian assistance; the monitoring and recording of violations of international humanitarian and human rights law, and reporting these violations to those responsible and other decision makers; institution-building, governance and development programmes; and, ultimately, the deployment of peacekeeping troops. In each case, these activities will have to be adapted to the specific requirements of each conflict situation, and be adapted to the needs, structure and sensitivities of the affected population.

7. The primary responsibility for the protection of civilians rests with Governments, as set out in the guiding principles on humanitarian assistance adopted by the General Assembly in its resolution 46/182 of 19 December 1991. At the same time, armed groups have a direct responsibility, according to Article 3 common to the four Geneva Conventions of 1949 and to customary international humanitarian law, to protect civilian populations in armed conflict. International instruments require not only Governments but also armed groups to behave responsibly in conflict situations, and to take measures to ensure the basic needs and protection of civilian populations. Where Governments do not have resources and capacities to do this unaided, it is incumbent on them to invoke the support of the international system. Protection efforts must be focused on the individual rather than the security interests of the State, whose primary function is precisely to ensure the security of its civilian population.

8. In focusing on the humanitarian aspects of protection, it should be stressed that protection cannot be a substitute for political processes. Protecting civilians is most effectively achieved by preventing violent conflict — through the "culture of prevention" called for by the Security Council in November 1999 (S/PRST/1999/34). Or it can be achieved by ending a conflict and building sustainable peace, as stressed by the Council in February 2001 (S/PRST/2001/5). Protection must be enhanced, but it is not a solution in its own right, and should not be seen as such.

III. Measures to enhance protection

A. Prosecution of violations of international criminal law

9. Internationally recognized standards of protection will be effectively upheld only when they are given the force of law, and when violations are regularly and reliably sanctioned. The establishment of the ad hoc tribunals for the former Yugoslavia and Rwanda, and the adoption of the Rome Statute to establish a permanent International Criminal Court are important steps in this direction. Safe havens for mass murderers and torturers are disappearing. These developments are complemented by significant advances in international criminal law through the jurisprudence of the two ad hoc tribunals and by the rapidly growing number of ratifications of the Rome Statute. This emerging paradigm of international criminal justice confronts perpetrators of grave violations with the real possibility of prosecution for past, present and future crimes.

1. Denial of amnesty for serious crimes

10. The recent arrest, indictment and eventual sentencing of former or current heads of State or Government has allowed prosecutors to further penetrate the shield of immunity. Courts are increasingly willing to send the message that nobody is above the law. Let me therefore be clear: the granting of amnesties to those who committed serious violations of international humanitarian and criminal law is not acceptable. The experience of Sierra Leone has confirmed that such amnesties do not bring about lasting peace and reconciliation.

2. Impact of criminal justice

11. The fair prosecution and trial of individual suspects can help significantly to build confidence and facilitate reconciliation in post-conflict societies, by removing collective attributions of guilt. Well-publicized prosecutions can deter crimes in current and future conflicts. Deterrence and prevention of crime, however, need the full commitment of the international community to supporting the quest for justice and accountability by providing the necessary financial and operational means to judicial arrangements, whether established under the auspices of the United Nations or by national Governments. Establishing courts without secure and sustained funding, and without follow-up efforts to rebuild national criminal justice systems, can do a disservice to victims of large-scale violence and undermine their confidence in justice. The proposed court for Sierra Leone and the serious crimes panel in East Timor deserve particular attention in this respect.

3. Importance of national jurisdictions

12. Despite the important role that international prosecution plays in encouraging compliance with international law, consistent enforcement depends primarily on the commitment and cooperation of national jurisdictions. The prosecution of individuals is, first and foremost, a responsibility of the State concerned. International justice can only complement those efforts when States are genuinely unable or unwilling to investigate and prosecute. In particular, a growing number of States have started to apply the principle of universal jurisdiction. The most publicized examples were the arrest by the United Kingdom of Great Britain and Northern Ireland of the former President of Chile, Augusto Pinochet, on charges of torture, at the request of Spanish authorities, and the arrest of the former President of Chad, Hissein Habré, by Senegal on similar charges. The application of this principle can be an essential stimulus for justice and reconciliation in the country of origin of the perpetrator. Its successful exercise requires closer cooperation between States, however, notably on issues of evidence and extradition. States therefore need to adapt their national legislation to the recognized standards of international humanitarian and criminal law and to ensure that they have a fair and credible judiciary.

4. Truth and reconciliation efforts

13. The experiences of Rwanda and other places have shown, however, that neither international nor national judicial systems command the necessary resources to prosecute the suspected perpetrators of conflict-related crimes, who may number in the thousands. Truth and reconciliation efforts, considered exceptional only a few years ago, have become an accepted method of overcoming a violent past. Truth commissions have recently been established in Nigeria, Panama and Sierra Leone and planned in East Timor; their creation is being discussed in several other post-conflict contexts. Truth and reconciliation, however, should not become a substitute for individual prosecution. The objective of such efforts should be to combine the search for truth, accounting for past abuses, promotion of national reconciliation and the bolstering of an emerging democratic order. The prescription for overcoming impunity must be adapted to the specific circumstances of the conflict and the area involved.

Recommendations

1. I urge the Security Council and the General Assembly to provide, from the outset, reliable, sufficient and sustained funding for international efforts, whether existing or future international tribunals, arrangements established in the context of United Nations peace operations, or initiatives undertaken in concert with individual Member States, to bring to justice perpetrators of grave violations of international humanitarian and human rights law.

2. I recommend that the Security Council consider the establishment of arrangements addressing impunity and, as appropriate, for truth and reconciliation, during the crafting of peacekeeping mandates, in particular where this response has been triggered by widespread and systematic violations of international humanitarian and human rights law.

3. I encourage Member States to introduce or strengthen domestic legislation and arrangements providing for the investigation, prosecution and trial of those responsible for systematic and widespread violations of international criminal law. To this end, I endorse efforts aimed at supporting Member States in building capable

and credible judicial institutions that are equipped to provide fair proceedings.

B. Access to vulnerable populations

14. In many conflicts, safe and unhindered access to vulnerable civilian populations is granted only sporadically, and is often subject to conditions, delayed, or even bluntly denied. The consequences for those populations are often devastating: entire communities are deprived of even basic assistance and protection. The agony of civilians in such isolated circumstances is further exacerbated as, in modern warfare, particularly internal conflicts, civilians are often targeted as part of a political strategy. The mutilations of civilians in Sierra Leone and the deliberate starvation of the civilian population in Somalia are only two examples. In these situations, access is the prerequisite for any form of protection of individuals and communities affected by war.

15. Because of the internal nature of most conflicts, United Nations agencies, the International Committee of the Red Cross and non-governmental organizations have increasingly had to negotiate to ensure access to those in need. Suffering populations cannot afford to wait for the outcome of an often-prolonged peace process. Access negotiations during a conflict must be understood as a humanitarian necessity. Given the highly complex context in which such negotiations have to be conducted, involving a diversity of warring parties and international actors, the need for common standards, complementary negotiation strategies and skilled negotiators is evident. In practice, the negotiator's ability often determines the scope of humanitarian assistance and protection provided to distressed populations. Common ground rules would help to make access negotiations more predictable and effective, and reduce the risk of mistakes or of agencies being played off against each other by warring parties.

1. Obtaining meaningful access

16. As a general rule, access negotiations should always have a clear objective, namely, humanitarian space providing unimpeded, timely, safe and sustained access to people in need. Access must be obtained, managed and maintained throughout a conflict by keeping the parties continuously engaged. The inability of aid agencies operating in Sierra Leone to make even initial contacts with the Revolutionary United Front throughout 1998 illustrates the difficulty of engaging rebel groups in a structured dialogue. Establishing a regular rapport and having freedom of movement in the conflict area can contribute to normalization and build confidence among war-affected populations. The sustained presence of humanitarian agencies can provide some measure of security to populations who would otherwise be wholly at the mercy of the parties or compelled to leave their homes. The terms of engagement of the aid agencies in a particular conflict must therefore clearly set out conditions for humanitarian operations, allowing for assessments that are based on actual needs, regular delivery of assistance and programme monitoring.

2. Complexities on the ground

17. Despite the Security Council's repeated reaffirmation of the importance of safe and unimpeded access (see, for example, resolutions 706 (1991) on Iraq and 1333 (2000) on Afghanistan), gaining safe and regular access is a daily struggle marked by a plethora of practical concerns, including demands of conditionality — warring parties requesting their share of aid before granting access to vulnerable populations; the deliberate starving of civilians to attract food aid in order to feed combatants; or the delivery of dual-purpose items that could also serve the war effort. Under international law, displaced persons and other victims of conflict are entitled to international protection and assistance where this is not available from national authorities. However, negotiations on the ground often revolve around the practical implications: for example, the failure of warring parties to admit the delivery of certain food items because they are perceived as jeopardizing the objectives of their war effort.

18. The approach to these challenges often defines the credibility and effectiveness of the humanitarian effort. Strengthening access negotiations thus requires the development of common policies and common criteria for engagement among aid agencies. These criteria should address clearance procedures, monitoring of delivery to minimize diffusion of goods to combatants, and efficient coordination.

3. Engaging the parties to a conflict

19. In a multi-faction conflict, such as that in the Democratic Republic of the Congo, experience has shown that, in order to gain meaningful and regular

access to vulnerable populations within different combat zones, where front lines are shifting from day to day, the consent of many parties has to be obtained at the local, regional, national and international levels. They may include a range of armed groups and other non-State actors with often diverse or obscure political, economic and strategic goals. Sometimes these actors will be operating across international borders, yet deliberately standing outside the established international normative framework. In most intra-State conflicts, armed groups exercise de facto control of parts of a country and the civilian population living there. Negotiating and obtaining access to those populations therefore requires the engagement of those groups.

20. Whereas Governments are sometimes concerned that such engagements might legitimize armed groups, these concerns must be balanced against the urgent need for humanitarian action. It is the obligation to preserve the physical integrity of each and every civilian within their jurisdiction, regardless of gender, ethnicity, religion or political conviction, that should guide Governments in exercising their sovereign responsibility. Where Governments are prevented from reaching civilians because they are under the control of armed groups, they must allow impartial actors to carry out their humanitarian task. Such a loss of control does not release Governments from their responsibility for all civilians within their jurisdiction.

21. Engaging armed groups in a constructive dialogue is also of vital importance for guaranteeing the security of humanitarian operations in a conflict area. Often, combatants perceive the provision of humanitarian assistance and protection to vulnerable populations as being not a neutral but rather a politically motivated act. In intra-State conflicts, where the political and strategic objectives of parties often include the expulsion or extermination of an ethnic, religious or political group, even the accommodation of the most basic needs of the populations may be perceived as direct interference with the war effort. As a result, humanitarian agencies, although pursuing neutral objectives enshrined in international law, are frequently perceived as partisan, and therefore become targets themselves. The drastically accelerated toll of casualties among United Nations civilian personnel, local and international, serving in conflict areas over the past two and a half years is a sad testament to this development. Between 1 January 1992 and 31 August 1998, 153 staff members lost their lives and 43 were taken hostage or kidnapped (see S/1998/883); since August 1998, the numbers have risen to 198 and 240, respectively (as of 20 March 2001).

4. Internally displaced persons

22. Meaningful access is particularly important when reaching out to the estimated 20 to 25 million people who are displaced within the borders of their country. The plight of this exceptionally vulnerable group has gained urgency in the 1990s as their number has dramatically increased in the wake of the numerous internal armed conflicts of that decade. Forced to leave their homes, they regularly suffer from severe deprivation, lack of shelter, insecurity and discrimination. Their protection is, first and foremost, a responsibility of the relevant national authorities.

23. In many cases, however, national authorities fail to provide the necessary protection and assistance to such people or to provide safe and meaningful access for international organizations. As a result, and because there is no established system of international protection and assistance for internally displaced persons, the response to their needs has often been inconsistent and ineffective.

24. In this respect, the Guiding Principles on Internal Displacement, developed by my Representative on Internally Displaced Persons, have come more and more to be regarded as a tool for addressing the basic needs of such people. For example, in Armenia, Azerbaijan and Georgia efforts are under way to review national legislation in terms of the Guiding Principles. In other countries, such as Angola and Colombia, Governments have integrated the Guiding Principles into national policy and legislation. In addition, the Inter-Agency Standing Committee has established an Inter-Agency Network, comprising senior focal points in all concerned organizations, to carry out reviews of selected countries with internally displaced populations, and to make proposals for an improved international response to their basic needs. A United Nations Special Coordinator on Internal Displacement has been nominated by the Emergency Relief Coordinator to head this review process.

5. Coordinated approach

25. Developing a coordinated approach to access negotiations can therefore be a matter of life and death,

both for vulnerable populations and for humanitarian workers. Often, the large number of domestic and international aid agencies in a conflict area poses a challenge in itself. Driven by differing mandates and interests, international agencies often negotiate access independently, thereby diminishing the effectiveness of their own and other agencies' response. Duplication of effort, and the manipulative behaviour of warring parties, can jeopardize fragile access agreements. It is therefore essential to develop more coordinated and creative approaches to access negotiations, for example, by pooling agency interests consistent with their mandates, and agreeing on mutually complementary sectoral negotiations. A coordinated approach must give weight to strategic planning and adequate preparation even in a crisis. The immunization campaign led by the World Health Organization and the United Nations Children's Fund in the Democratic Republic of the Congo in 2000 is an example of a successfully coordinated effort.

26. Clarity of objectives and a sound understanding of the local context and the root causes of conflict should be indispensable prerequisites for any access negotiations. I have therefore requested the Inter-Agency Standing Committee to develop a manual for access negotiations and strategies, including benchmarks for the engagement and disengagement of aid agencies, demands of conditionality, clearance procedures, needs assessments, and other principles outlined in the present report. The manual should guide negotiators in being consistent, transparent, accountable and credible during negotiations, and in seeking to obtain safe, sustained, timely and unimpeded access.

27. I have, further, asked the Emergency Relief Coordinator to develop, in cooperation with the Inter-Agency Standing Committee, models for better coordination of access negotiations on the ground. Working towards complementary negotiating strategies can help to prevent warring parties from playing aid agencies off against each other, as has happened in a number of recent conflicts.

Recommendations

4. Recalling the Security Council's recognition, in its resolution 1265 (1999), of the importance of gaining safe and unimpeded access of humanitarian personnel to civilian populations in need, I urge the Council to actively engage the parties to each conflict in a dialogue aimed at sustaining safe access for humanitarian operations, and to demonstrate its willingness to act where such access is denied.

5. I encourage the Security Council to conduct more frequent fact-finding missions to conflict areas with a view to identifying the specific requirements for humanitarian assistance, and in particular obtaining safe and meaningful access to vulnerable populations.

C. Separation of civilians and armed elements

28. In my report of 1998 on the causes of conflict and the promotion of durable peace and sustainable development in Africa (A/52/871-S/1998/318), I recognized that the safety of refugees had increasingly become a matter of international concern, as had the security of States hosting large refugee populations or having such populations near their borders. This assessment has not changed. On the contrary, massive movements of displaced populations across international borders, most frequently prompted by civil wars in the region, have altered delicate ethnic balances in neighbouring States and thereby destabilized the recipient societies. Furthermore, there is a grave risk that the movement of people — sometimes in their hundreds of thousands — alongside armed elements will undermine the security of entire subregions or regions, and thereby internationalize an initially local conflict.

29. The examples of Zambia, the Republic of the Congo and West Timor (Indonesia) all bear ample witness to this danger. The escalation of fighting in the Parrot's Beak area, located on the borders of Guinea, Liberia and Sierra Leone, is the most recent case in point. This small Guinean enclave has become a haven for an estimated 180,000 refugees from Liberia and Sierra Leone. The spillover of fighting between armed elements from Liberia and Sierra Leone into Guinea has given these already displaced persons cause to flee again, creating one of the worst refugee crises in the world. In addition, 70,000 Guinean citizens are being placed at severe risk. It is therefore a matter of utmost urgency to preserve, at the earliest stage possible, the civilian character of camps and settlements for displaced persons — both refugees and internally displaced — by separating civilians from armed

elements that move alongside them. Such separation can prevent further aggravation of conflict, and ensure that persons fleeing persecution or war get the protection and assistance they require.

1. Impact of the mixing of displaced populations and armed elements

30. Failure to separate armed elements from civilians has led to devastating situations in and around camps and settlements. As the example of West Timor (Indonesia) shows, not separating combatants from civilians allows armed groups to take control of a camp and its population, politicizing their situation and gradually establishing a military culture within the camp. The impact on the safety and security of both the refugees and the neighbouring local population is severe. Entire camp populations can be held hostage by militias that operate freely in the camps, spread terror, press-gang civilians, including children, into serving their forces, sexually assault and exploit women, and deliberately prevent displaced people from returning home. In addition, humanitarian aid and supplies are often diverted to these armed elements, depriving the intended civilian beneficiaries. Finally, blurred lines between the civilian and military character of camps expose civilians inside to the risk of attack by opposing forces, where camps are perceived to serve as launching pads for renewed fighting.

2. Constraints of response

31. And yet, for practical and political reasons, the response to this phenomenon has been inadequate. Host countries, which have the primary responsibility for ensuring the security of refugees on their territory, feel increasingly overburdened by the logistical, and material challenge of accommodating large influxes of population. They have to preserve the civilian and humanitarian character of settlements for displaced populations, identify distinct camp locations, and separate combatants from civilians, including through disarmament, demobilization and internment measures. In fact, in order to avoid such strain, and in fear of being drawn into the conflict, potential host countries increasingly deny asylum by closing their borders, thereby further exacerbating the situation of displaced civilians within the conflict area. While recognizing the genuine interest of host States in preserving their neutrality in the conflict, we must be clear that it is the responsibility of States to grant asylum to distressed and persecuted populations and to ensure their protection and the provision of relief and assistance to them.

32. Humanitarian agencies, often the first and only presence on the ground in these situations, cannot identify, intern, disarm and demobilize armed elements present in refugee camps. They have neither the mandate nor the means to do so. Already, the identification of armed elements leads to enormous problems. Legally, international humanitarian law does not define fighters in internal conflicts, because Member States are reluctant to confer a formal status on those whom they consider insurgents or rebels. Practically, militia and armed elements, often attempting to hide among fleeing civilian populations, do not necessarily wear military uniforms or otherwise identify themselves. Moreover, internal armed conflicts go through different phases of ceasefires or combat pauses and renewed fighting, and consequent cycles of demobilization and remobilization. The existence of part-time combatants — farmer by day, fighter by night — and the provision by civilians of basic help and shelter to combatants further obscure the issue. As a result, humanitarian operations are increasingly threatened by the lack of security in refugee camps. The murders of aid workers in West Timor (Indonesia) and Guinea are distressing illustrations. As a result, operations have had to withdraw from camps, and often an entire area, further aggravating the distress of the civilian camp population.

33. Member States are nevertheless still reluctant to support the work of humanitarian agencies in these circumstances, because of the perceived security risk to their military personnel and the risk of further exacerbating the conflict by direct confrontations with armed elements. Ensuring security in camps requires the involvement of police and military forces, not least in disarming and demobilizing militias and transferring them to different sites.

3. Development of a toolkit

34. The potential for large population flows, mixed with armed elements, to destabilize entire regions and, eventually, to ignite an international conflict has been sadly demonstrated by events in West Africa and the Great Lakes region. I therefore believe that it is within the purview of the Security Council to deter threats to international peace and security deriving from such population movements by supporting host States in

taking appropriate and timely measures to separate civilians and armed elements. In my previous report on the protection of civilians, I recommended a set of tools aimed at improving the safety of refugee populations, including the deployment of regional or international military forces. Some Member States have started to develop concepts and practical methods for putting those recommendations into practice, including support and training for national police forces through the involvement of international police. Moreover, the need to preserve the civilian character of asylum features prominently on the agenda of the Global Consultations on International Protection, sponsored by the United Nations High Commissioner for Refugees.

35. The seriousness and urgency of the matter dictate that we move quickly to advance the practical implementation of those recommendations, to test concepts and to add new measures to the toolkit. The agreement between the Department of Peacekeeping Operations of the Secretariat and the Office of the United Nations High Commissioner for Refugees, of June 2000, ensuring close cooperation on all aspects of this complex matter, is a first step in this direction. Both bodies have agreed, as appropriate, to deploy, with the consent of the host State, multidisciplinary assessment teams to an emerging crisis area in order to clarify the situation on the ground, evaluate security threats for refugee populations, and consider appropriate practical responses. Where feasible, these findings would be incorporated into a comprehensive plan with recommendations for further action, including action by the Security Council. Such action could include logistical and material support for early measures by the host State to disarm combatants at the point of entry into the country. Once separated and disarmed, fighters could be transferred to, and if necessary interned at, a safe location away from the border.

36. In addition, Member States should support the efforts of host States by providing bilateral assistance to their law and order authorities in establishing adequate security arrangements in camps, so as to deter infiltration by armed elements. As a first step, assistance in locating refugee camps and settlements at a significant distance from the border would help to prevent militarization. Assistance could also include training and capacity-building efforts, equipment and logistics, as well as the deployment of national police contingents for patrolling and monitoring in camps. Further, relevant experiences and practices in refugee environments should be included in police training curricula.

37. Finally, as I indicated in my statement to the Security Council on the peace process in the Democratic Republic of the Congo, on 21 February 2001, the movement of large populations, and the failure to separate armed elements from those populations, has potentially negative effects on neighbouring countries not involved in the conflict. Where such problems threaten to affect a region as a whole, a wider regional approach may be required from the outset of any international involvement. This may entail the establishment of a forum for dialogue among all the affected countries of the region, non-governmental organizations, United Nations agencies, donors and others. Their aims may include solving the root causes of displacement, restoring peace, promoting the integration of displaced persons in host countries, seeking resettlement in third countries, or bringing all of the displaced back to their homeland. With the end of the cold war and its rigid division of the world, it is time to make better use of regional approaches. The International Conference on Central American Refugees, held in May 1989, which helped to bring hundreds of thousands of refugees home to countries where peace had been restored, is an example of the progress that such approaches can produce. Pursuant to the Security Council's invitation in paragraph 14 of resolution 1296 (2000), I will continue to bring to the attention of the Council situations that may require a regional approach as displaced populations and other civilians are put at risk by the infiltration of armed elements, in particular where this may constitute a threat to international peace and security.

Recommendations

6. I encourage the Security Council to further develop the concept of regional approaches to regional and subregional crises, in particular when formulating mandates.

7. I further encourage the Security Council to support the development of clear criteria and procedures for the identification and separation of armed elements in situations of massive population displacement.

D. Media and information in conflict situations

38. The misuse of information can have deadly consequences in armed conflicts, just as information correctly employed can be life-saving. The "hate media" that were used to incite genocide in Rwanda are an extreme example of the way information can be manipulated to foment conflict and incite mass violence. Hate speech, misinformation and hostile propaganda continue to be used as blunt instruments against civilians, triggering ethnic violence and forcing displacement. Preventing such activities and ensuring that accurate information is disseminated, is thus an essential part of the work of protecting civilians in armed conflict. Impartial information on conflicts, zones of combat, the location of minefields and the availability of humanitarian assistance, can be as vital a requirement for distressed populations caught in areas of violent upheaval as shelter, food, water and medical services.

1. Countering hate media used to incite violence

39. If the first casualty of war is the truth, the next victims are those who are unable to draw attention to their need for protection. They are all too often rendered speechless and faceless by war, reduced to crude statistics in the news. Giving these victims a voice can be vital for mobilizing the support necessary to protect human life. Informed public opinion can act as a brake on human rights abuses, by countering the culture of impunity and urging respect for international law. Yet in the Great Lakes region of Africa, "hate" radio continues to spur violence and atrocities against civilians on a large scale. The international community has an obligation to counteract such misuse of information and the media collectively and creatively. While the prosecution by the International Criminal Tribunal for Rwanda of the principals involved in the promotion of genocide by Radio-Télévision Mille Collines is a significant step, preventing such incitement in the future remains an urgent task.

40. The best antidote to hate speech and incitement to violence is the development of free and independent media serving the needs of all parts of society. A range of activities should be undertaken by the international community to support such development: countering misinformation, providing essential information; support for accurate local news coverage; assistance in creating programmes aimed at promoting inter-ethnic understanding and tolerance; technical assistance to improve local broadcast capacity; training for local journalists in accurate reporting; and media monitoring mechanisms. In addition, the distribution of radio receivers and broadcasting equipment is often a vital and practical necessity.

41. Combating hostile propaganda, however, may also require a more immediate and intense effort by the international community, based on a coordinated approach involving numerous actors. The number of actors, both non-governmental and intergovernmental, operating programmes aimed at preventing violence and preparing for national reconciliation has grown in recent years — initiatives in Angola, Bosnia and Herzegovina, Burundi, Liberia, Sierra Leone and South Africa are examples. These initiatives, however, often remain inconsistent and essentially ad hoc. Consequently, costly operations such as that in Bosnia and Herzegovina have yielded only mixed results. A more coordinated response could be fostered by establishing media monitoring mechanisms within peace operations and, as appropriate, other agency operations. Such mechanisms could ensure regular monitoring, reporting and documenting of misuse of information, and strengthen independent local media capacities. They also could serve informed decision-making, contribute to legal accountability and, as appropriate, recommend specific action to be taken by relevant actors, including the Security Council. They should reach out to relevant actors on the ground, including international experts, donors and local media professionals.

2. Use of media and information in support of humanitarian operations

42. In the global information age, giving victims a voice is essential for mobilizing the support necessary to preserve and improve the quality of human life. While recognizing that at times massive media campaigns can distort policy priorities, reliable media accounts and adequate information management are an essential basis for decisions by Governments, donors, international organizations and non-governmental organizations.

43. The awareness of even distant events allows informed assessments and helps, in particular, humanitarian agencies to shape an appropriate response before going into a conflict area. Concrete and verified information about massive displacements of people,

security conditions, and violations of international humanitarian and human rights law can be vital for distressed populations and international aid workers alike. Where communications are disrupted, using the media to inform distressed populations about the activities of relief agencies, and about the location of shelter, food, water and medical services, can be critical for alleviating human suffering. The Afghan Education Projects Unit of the BBC World Service, which covers issues such as landmine awareness, hygiene, sanitation, reducing violence against women and agricultural productivity, is one commendable example.

44. As emphasized in the report of the Panel on United Nations Peace Operations, the new information technologies — the Internet, in particular — play an increasingly important role in reaching and supporting local counterparts. We must continue to invest in this area and explore partnerships. The United Nations-operated Integrated Regional Information Network (IRIN), in conjunction with ReliefWeb, has brought great benefits to United Nations and other operations by providing accurate information from and to crisis areas. I recommend further strengthening such valuable regional information initiatives.

3. Protection of journalists

45. Many initiatives rely on the courage and commitment of journalists in conflict areas. Their protection from harassment, intimidation and threats must therefore be of concern to all. It is estimated that 449 journalists have been killed worldwide since 1990. In many cases, they were the victims of deliberate efforts by parties in conflict to escape adverse consequences of their violent attacks on civilians by preventing accurate reporting of their activities and, consequently, informed decision-making. In this respect, initiatives like that in Colombia establishing special protection programmes for journalists as part of the Prosecutor General's Office are important. The establishment of hotlines for threatened journalists in conflict areas, as was done in Bosnia and Herzegovina, could further help to reduce their risks.

Recommendation

8. I recommend that the Security Council make provision for the regular integration in mission mandates of media monitoring mechanisms that would ensure the effective monitoring, reporting and documenting of the incidence and origins of "hate media". Such mechanisms would involve relevant information stakeholders from within the United Nations and other relevant international organizations, expert non-governmental organizations, and representatives of independent local media.

IV. Entities providing protection

46. Recent experiences in dealing with such problems as described above in conflicts in West Africa, the Great Lakes region, East Timor and elsewhere have shown that the challenge of protecting civilian populations can only be met by reaching across traditional lines and creating synergies among many actors. While traditional responsibilities remain unchanged, the number of actors involved in rendering assistance and protection has significantly expanded: new actors have entered the stage and previously overlooked actors have gained greater importance. Although often profoundly differing in their resources, mandates, philosophies and interests, they can enhance our capacity to respond to violent conflict by providing additional resources, new approaches and comparative advantages. Faced with the increasingly opaque web of local and global politics, economic interests and criminal activity that characterizes many of today's conflicts, we must make the best use of organizations' limited resources by engaging all relevant actors in our work to improve the protection of civilians.

A. Entities bearing primary responsibility

1. Governments

47. International efforts to protect civilians can only complement the efforts of Governments. I therefore extend to a wider audience the call made to the parties in the Democratic Republic of the Congo: the United Nations and its Member States, as well as other relevant agencies, can assist only where those most responsible are themselves reliably committed. In particular, every Government must show the necessary commitment to fulfilling its international obligations to protect civilians. This entails the initiation, organization, coordination and implementation of humanitarian assistance within its territory. Where a Government is prevented from protecting its civilians, for lack of either resources or de facto control over part

of its territory, it may need to seek the support of the international system, which has been established for precisely this purpose. Regrettably, in times of conflict, many Governments are unwilling to live up to this responsibility; in fact, they often constitute the major impediment to any meaningful humanitarian assistance and protection. This interface between national responsibility and international support continues to pose a major challenge to the international community.

2. Armed groups

48. The recent prevalence of civil wars has drawn increasing attention to the potential role of armed groups that are parties to the conflict in protecting civilian populations. In most intra-State conflicts armed groups have gained control over part of a country's territory and the population living there. Again and again, however, we see them misuse their power by attacking defenceless civilians, in blatant disregard of international humanitarian law. I would therefore like to recall the prohibition against targeting civilians and conducting indiscriminate attacks on civilians, enshrined in customary international humanitarian law, which is binding not only on States and their Governments but equally and directly so on armed groups that are parties to the conflict, as stated in article 3 common to the Geneva Conventions of 1949. The practice of the two ad hoc tribunals and the statute of the International Criminal Court have underlined the principle of direct responsibility of armed groups for violations of international humanitarian law.

49. Experience has shown, however, that many armed groups deliberately operate outside the recognized normative and ethical framework in furtherance of their objectives. In order to promote respect for international humanitarian and human rights law in these situations and to facilitate the necessary provision of humanitarian assistance and protection to vulnerable populations, it is indispensable to engage these groups in a structured dialogue. In this respect, I welcome the growing tendency of the Security Council to address all parties to armed conflicts (see resolution 1261 (1999)). It is important that aid agencies reaffirm the fundamental principles of international humanitarian and human rights law in their codes of conduct and in any agreements they conclude with actors on the ground. Contacts with armed groups should be neutral and should not affect their legitimacy or the legitimacy of their claims.

50. In this respect, I intend to ask the Inter-Agency Standing Committee to develop a manual of best practices for engagement with armed groups. The manual should provide a clearer and common understanding of the structure and mode of operation of those groups, and their specific demands and constraints, and give guidance on how to promote a better understanding of the principles and operational requirements of humanitarian activities in such circumstances.

Recommendations

9. In its resolutions the Security Council should emphasize the direct responsibility of armed groups under international humanitarian law. Given the nature of contemporary armed conflict, protecting civilians requires the engagement of armed groups in a dialogue aimed at facilitating the provision of humanitarian assistance and protection.

10. Many armed groups have neither developed a military doctrine nor otherwise incorporated the recognized principles of international humanitarian law in their mode of operation. I therefore urge Member States and donors to support efforts to disseminate information on international humanitarian and human rights law to armed groups and initiatives to enhance their practical understanding of the implications of those rules.

B. Complementarity of other entities

51. While the primary responsibility for the protection of civilians rests with Governments, in places where the Government is unable or unwilling to fulfil its obligations the international community is coming to accept its own responsibilities. The United Nations, including in particular the Security Council, needs to strengthen its role in this regard by more actively engaging a range of relevant actors. Effective coordination, better flow of information, and the building of new partnerships will be crucial to the future success of the international response to conflict. It will also be important to involve domestic partners, so that any international response to a crisis begins with a nuanced understanding of the local context.

52. In recent years, the Security Council has shown growing sensitivity to protection issues. Resolutions 1261 (1999), 1265 (1999), 1296 (2000), 1314 (2000) and 1325 (2000) all represent positive steps. The inclusion of provisions for mine action in mandates is a further sign of progress. Yet the capacity of the Council to address protection issues could be enhanced in a number of ways, including through better informed decision-making, and through the drafting of resolutions and mandates that more fully reflect the needs of civilians. To help bring this about, briefings on the humanitarian implications of proposed resolutions would be useful, as would the holding of debates on issues which embrace both peace and security and humanitarian concerns. Further, as the experience of the Council's recent visits to the Democratic Republic of the Congo, Sierra Leone or East Timor shows, field missions can be useful as fact-finding tools, exercises in advocacy and instruments of persuasion. Such missions might usefully be dispatched to other crisis zones in which the international response has been poorly informed or poorly supported. The Council would also benefit from being regularly informed by actors outside the United Nations system.

Recommendation

11. I recommend that the Security Council develop a regular exchange with the General Assembly and other organs of the United Nations on issues pertaining to the protection of civilians in armed conflict. I suggest that the President of the General Assembly use the monthly meeting with the President of the Security Council to alert the Council to situations in which action might be required.

1. Civil society

(a) Non-governmental organizations

53. Recent years have seen a considerable growth in the number and influence of national and transnational non-governmental organizations. Thanks to the global reach of the media and the possibilities of information technology, above all the Internet, non-governmental organizations are now better placed to form coalitions, organize and mobilize cohesive support on a global scale. In particular, non-governmental organizations have proved that they can make a significant impact on public policy and international law. In many conflicts non-governmental organizations are among the first to bear witness to violations of international humanitarian and human rights law, to conduct rigorous assessments of the humanitarian situation on the ground, and to solicit a coherent international response. By doing so, they often succeed in raising public awareness of a conflict, and thereby make political leaders act decisively in the face of crisis.

54. On the ground, non-governmental organizations are the daily and indispensable partners of the United Nations in providing humanitarian relief and assistance to vulnerable people. Their presence among the local population often imparts a measure of protection, not least in areas where minorities are living. Just like United Nations personnel, however, their national and international staff have more and more become the target of attack. The Inter-Agency Standing Committee has therefore formed a working group to strengthen cooperation on issues of staff security between the United Nations and non-governmental organizations at the field level. Finally, non-governmental organizations play an important and active role in negotiating humanitarian corridors and access to distressed populations, and, in some cases, in bringing warring parties to the negotiation table.

55. It is essential that Member States, the United Nations and other international organizations and non-governmental organizations, better understand each other's comparative advantages as a first step towards working more effectively together. Non-governmental organizations already work in close concert with the United Nations on the ground and through the Inter-Agency Standing Committee. I would like to review and further strengthen the work of the Inter-Agency Standing Committee, with a view to identifying ways in which the work of the United Nations and the work of the non-governmental organizations may become more complementary in the near future. Presenting the views of an emerging civil society on issues of global concern, non-governmental organizations should be given a more regular forum to inform the decision-making debate and to advocate policies.

56. The Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction, of 1997, and the Rome Statute establishing an International Criminal Court a year later are examples of the power of international civil society to work with Governments to achieve a legislative goal which can help to protect civilians in armed conflict.

(b) Domestic civil society

57. Domestic civil society represents the basic source of protection, especially when all other layers of protection fail. Civil society in this context refers not only to local non-governmental organizations and human rights groups, but also to religious congregations, charities, universities, trade unions, legal associations, independent activists and human rights defenders, families, clans and more. We must continue to reach out and build partnerships with these actors, and employ their knowledge of the local context, their skill at operating in conflict zones, and their sensitivity to the needs of local populations and to local cultural norms. The funding and training of these actors is therefore an important investment. In particular, partnerships between international and domestic civil society must be strengthened in negotiating access, monitoring abuse, especially where international monitoring is not possible, and facilitating dialogue with political actors on the ground. Finally, domestic civil society actors are often best equipped to promote awareness of and respect for international law within the conflict zone.

58. International actors must make sure that displaced communities are given a say in decisions that affect them. Displaced communities are not passive. They create their own strategies for addressing their needs by exchanging limited resources, services, information and shelter. Their involvement in identifying needs, in other decisions that affect their lives, and in implementing aid programmes is therefore essential. Moreover, they can help to salvage what remains of society by encouraging the restoration of communal links or supporting the reintegration of permanently displaced persons into new communities. They hold the knowledge and ability to reunify families and create support structures for unaccompanied children and elderly people.

(c) Women, children and youth

59. Tragically, women and children are the principal victims of armed conflict. Women are vulnerable to sexual violence, trafficking and mutilation, whether at home, in flight or in camps for displaced populations. Yet women also play a prominent role in rebuilding war-torn societies. Women's roles as mediators and as a primary force of economic activity during armed conflict are still underexamined and underutilized. In Cambodia, Colombia, East Timor, Guatemala, Liberia, Mozambique, Somalia and many other places women have set examples of peace-building across clans, political affiliations and ethnicity. The study requested by the Security Council in its resolution 1325 (2000) concerning women and peace and security will further inform such efforts and promote understanding of the impact of armed conflict on women and the role they do and can play in peace-building.

60. Children too, besides being victimized as child soldiers and in many other ways during armed conflict, have a role to play in building a more stable future for war-torn countries. In its resolution 1314 (2000) concerning children in armed conflict, the Security Council called on Member States to encourage the involvement of young persons in programmes for peace consolidation and peace-building. Both UNICEF and my Special Representative for Children and Armed Conflict have spoken repeatedly of the need to ensure the participation of adolescents in humanitarian responses and peace-building activities. Consequently, I reiterate the call made in my report on children and armed conflict (A/55/163-S/2000/712), for the participation of children and young people to be encouraged and promoted in all programmes and policies aimed at protecting their rights and the rights of other civilian populations, before, during and after armed conflicts, as a means to improve those programmes and policies.

(d) Private sector

61. With almost 96 per cent of the private sector engaged in the manufacturing of civilian goods and services, the private sector has a vested interest in peace-building and economic stability, and in complementing rather than obstructing humanitarian efforts. Not all businesses, however, seek to be helpful or socially responsible. The negative role of foreign businesses in the diamond industry in Angola and Sierra Leone demonstrates this fact. The impact of the pursuit of economic interests in conflict areas has come under increasingly critical scrutiny. Corporations have been accused of complicity with human rights abuses, and corporate royalties have continued to fuel wars. It has become common knowledge that by selling diamonds and other valuable minerals, belligerents can supply themselves with small arms and light weapons, thereby prolonging and intensifying the fighting and the suffering of civilians. It is therefore of critical importance that the United Nations continues to

promote the exercise of responsible investment in crisis areas, by building upon and expanding its partnership with the private sector.

Recommendations

12. I encourage the Security Council to continue investigating the linkages between illicit trade in natural resources and the conduct of war and to urge Member States and regional organizations to take appropriate measures against corporate actors, individuals and entities involved in illicit trafficking in natural resources and small arms that may further fuel conflicts.

13. I urge Member States to adopt and enforce executive and legislative measures to prevent private sector actors within their jurisdiction from engaging in commercial activities with parties to armed conflict that might result in or contribute to systematic violations of international humanitarian and human rights law.

2. Regional organizations

62. In recent years, the United Nations has increasingly been engaged in building partnerships, on issues pertaining to the protection of civilians, with regional and intergovernmental organizations, including the Council of Europe, the Organization for Security and Cooperation in Europe, the Organization of African Unity, the Economic Community of West African States, the Southern African Development Community, the Association of Southeast Asian Nations, the League of Arab States, the Organization of the Islamic Conference, and the Inter-American Commission on Human Rights. Often, regional organizations alone cannot sufficiently address the needs of civilians in war. The list of cooperative efforts to resolve crisis, promote respect for international law or build national institutions is therefore growing and features such prominent examples as Kosovo (Federal Republic of Yugoslavia), Sierra Leone, Ethiopia/Eritrea, Myanmar and the Occupied Palestinian Territory.

63. There remains, however, a need for greater coordination with such organizations, notably in arriving at a common analysis and understanding of the local context and its requirements and sensitivities. At their fourth high-level meeting, in February 2001, the United Nations and regional organizations adopted a framework for cooperation in peace-building (see S/2001/138) and agreed on guiding principles for cooperation in this field, as well as on possible cooperative activities such as establishing peace-building units, sending joint assessment missions to the field, developing repertories of best practices and lessons learned, and the joint holding of pledging conferences. It was agreed that a follow-up meeting at the working level should be convened before the end of 2001 to seek practical means of implementing the framework for cooperation in peace-building as well as furthering the 13 modalities for conflict prevention identified in 1998.

Recommendation

14. I encourage the Security Council to establish a more regular cooperation with regional organizations and arrangements to ensure informed decision-making, the integration of additional resources, and the use of their comparative advantages. Such cooperation should include the establishment of a regular regional reporting mechanism, and briefings, for the Security Council. Future high-level consultations between the United Nations and regional organizations will provide a welcome opportunity to further develop cooperation on strengthening the protection of civilians in armed conflict.

V. Final observations

64. The instruments, political and legal, now available for the protection of civilians in armed conflict are in urgent need of updating. They were developed in a world where State actors were overwhelmingly dominant, and they reflect that fact. Similarly, the practice of the United Nations was, at its inception, almost exclusively focused on the interaction of Member States.

65. New mechanisms and strategies are required to deal with changed circumstances. The forms of conflict most prevalent in the world today are internal — communal violence, ethnic cleansing, terrorism, private wars financed by the international trade in diamonds or oil — and involve a proliferation of armed groups. These circumstances reflect, to varying degrees, the erosion of the central role of the State in world affairs. While civilians have been the principal victims of these changes, it is wrong to say that the new order is entirely hostile to the protection of civilians. There are

opportunities which can be seized, such as the global reach of the media and of new information technologies; the growing influence of civil society organizations and non-governmental organizations; the interdependence of the global economy; and the reach of international commerce.

66. Whether we are able to establish the culture of protection to which I referred at the beginning of this report will largely depend on the extent to which the United Nations, and the international community at large, are able to engage with the changed world. Is there enough will to strengthen the criminal justice system — both internationally and within national jurisdictions? Is there willingness to engage with armed groups, as the majority of armed conflicts occur within the borders of States? Will we be able to harness the potential of the media and the Internet? Will we build effective partnerships with civil society, non-governmental and regional organizations, and the private sector? These are not abstract questions; they are questions which emerge daily in the struggle to reduce the suffering of civilians in conflict and which, if they are to be answered in the affirmative, will at a minimum require Member States to take the specific steps enumerated in this and my previous report.

67. To this end, I would like to draw the Council's attention to a matter of particular concern. The present report is the second in a series. Some 18 months have passed since I submitted my first report on the protection of civilians in armed conflict. I regret to note that only a few of its 40 recommendations are so far being implemented. Nevertheless, the present report adds a further set of 14 recommendations whose implementation I consider essential if a real improvement in protection is to be achieved. Reports and recommendations are no substitute for effective action. The primary responsibility for the protection of civilians falls on Governments and armed groups involved in conflict situations. Where they do not honour these responsibilities, it is up to the Security Council to take action. Progress in protecting civilians threatened by armed conflict is measured in lives and livelihoods, and freedom from fear, rather than in statements of intent or expressions of concern. For this reason, I urge the members of the Security Council to review progress in implementing the recommendations made in this and the previous report. Further reports can have meaning when there is clear evidence that their recommendations are effecting real progress towards their goal. By shifting the focus to implementation of recommendations already agreed upon, it should be possible to ensure that future efforts will be more effective in bringing genuine relief and protection to civilians in armed conflict.

Annex I

Recommendations and generic policy directions

A. Prosecution of violations of international criminal law

Addressing impunity requires an ongoing and consistent commitment by international actors and Governments to ensure that international conventions are ratified and implemented, that sustained and adequate funding is provided for international tribunals, that national prosecutions in accordance with international standards are encouraged where States are genuinely able and willing, and that amnesties are rejected for those who commit genocide, crimes against humanity and war crimes (see paras. 9-13).

1. I urge the Security Council and the General Assembly to provide, from the outset, reliable, sufficient and sustained funding for international efforts, whether existing or future international tribunals, arrangements established in the context of United Nations peace operations or initiatives undertaken in concert with individual Member States, to bring to justice perpetrators of grave violations of international humanitarian and human rights law.

2. I recommend that the Security Council consider the establishment of arrangements addressing impunity and, as appropriate, for truth and reconciliation, during the crafting of peacekeeping mandates, in particular where this response has been triggered by widespread and systematic violations of international humanitarian and human rights law.

3. I encourage Member States to introduce or strengthen domestic legislation and arrangements providing for the investigation, prosecution and trial of those responsible for systematic and widespread violations of international criminal law. To this end, I endorse efforts aimed at supporting Member States in building capable and credible judicial institutions that are equipped to provide fair proceedings.

B. Standards for access negotiations

Obtaining meaningful access to those in need requires skilful negotiators and clear practical standards, including benchmarks for engagement and disengagement (see paras. 14-27).

4. Recalling the Security Council's recognition, in its resolution 1265 (1999), of the importance of gaining safe and unimpeded access of humanitarian personnel to civilian populations in need, I urge the Council to actively engage the parties to each conflict in a dialogue aimed at sustaining safe access for humanitarian operations, and to demonstrate its willingness to act where such access is denied.

5. I encourage the Security Council to conduct more frequent fact-finding missions to conflict areas with a view to identifying the specific requirements for humanitarian assistance, in particular obtaining safe and meaningful access to vulnerable populations.

C. Engagement of armed groups

In view of the prevalence of civil wars among today's conflicts, a structured dialogue with armed groups is indispensable for reaching and protecting vulnerable populations in times of war (see paras. 30-32 and 48-50).

9. In its resolutions the Security Council should emphasize the direct responsibility of armed groups under international humanitarian law. Given the nature of contemporary armed conflict, protecting civilians requires the engagement of armed groups in a dialogue aimed at facilitating the provision of humanitarian assistance and protection.

10. Many armed groups have neither developed a military doctrine nor otherwise incorporated the recognized principles of international humanitarian law in their mode of operation. I therefore urge Member States and donors to support efforts to disseminate information on international humanitarian and human rights law to armed groups, and initiatives to enhance their practical understanding of the implications of those rules.

D. Separation of civilians and armed elements

The early separation of armed elements from civilian populations preserves the civilian and humanitarian character of camps and settlements for displaced persons and helps to reduce potential threats to international peace and security (see paras. 28-37).

7. I further encourage the Security Council to support the development of clear criteria and procedures for the identification and separation of armed elements in situations of massive population displacement.

E. Regional focus on conflict situations

Responding adequately to conflict situations often requires a regional focus rather than a solely country-specific approach of political decision makers. Such situations carry the potential of destabilizing entire regions or subregions and thus can jeopardize international peace and security (see paras. 28-29, 37 and 62-63).

6. I encourage the Security Council to further develop the concept of regional approaches to regional and subregional crises, in particular when formulating mandates.

14. I encourage the Security Council to establish a more regular cooperation with regional organizations and arrangements to ensure informed decision-making, the integration of additional resources, and the use of their comparative advantages. Such cooperation should include the establishment of a regular regional reporting mechanism, and briefings, for the Security Council. In this respect, future high-level consultations between the United Nations and regional organizations will provide a welcome opportunity to further develop cooperation on strengthening the protection of civilians in armed conflict.

F. Enhancing informed decision-making

In order to enhance informed decision-making of the Security Council and its members, it is necessary to use the comparative advantages of other relevant actors within and outside the United Nations system (see paras. 51-63).

11. I recommend that the Security Council develop a regular exchange with the General Assembly and other organs of the United Nations on issues pertaining to the protection of civilians in armed conflict. I suggest that the President of the General Assembly use the monthly meeting with the President of the Security Council to alert the Council to situations in which action might be required.

G. Media and information in conflict situations

Developing stronger and more coordinated media and information mechanisms in conflict areas can play a vital role in facilitating informed decision-making, guiding and maximizing the impact of humanitarian response, and building a stronger civil society based on access to free and independent media sources (see paras. 38-45).

8. I recommend that the Security Council make provision for the regular integration in mission mandates of media monitoring mechanisms that would ensure the effective monitoring, reporting and documenting of the incidence and origins of "hate media". Such mechanisms would involve relevant information stakeholders from within the United Nations and other relevant international organizations, expert non-governmental organizations, and representatives of independent local media.

H. Engaging the private sector

The United Nations and other international organizations must engage the private sector in a constructive dialogue by building creative partnerships, ensuring that corporate operations are placed within the framework of international norms and standards that provide the infrastructure on which global commerce increasingly depends (see para. 61).

12. I encourage the Security Council to continue investigating the linkages between illicit trade in natural resources and the conduct of war and to urge Member States and regional organizations to take appropriate measures against corporate actors, individuals and entities involved in illicit trafficking in natural resources and small arms that may further fuel conflicts.

13. I urge Member States to adopt and enforce executive and legislative measures to prevent private sector actors within their jurisdiction from engaging in commercial activities with parties to armed conflict that might result in or contribute to systematic violations of international humanitarian and human rights law.

Annex II

Implementation of the recommendations contained in the report of the Secretary-General of 8 September 1999

In my report on the protection of civilians in armed conflict of 8 September 1999 (S/1999/957), I made 40 concrete recommendations to the Security Council covering a wide range of initiatives. In my observations, I drew particular attention to the nine recommendations listed below, which I deemed to be of particular importance. The matrix is intended to illustrate some of the initiatives and processes undertaken since to implement the recommendations.

Recommendations	*Action taken since September 1999*
1. Take steps to strengthen the Organization's capacity to plan and deploy rapidly. This includes enhancing the participation in the United Nations Standby Arrangement System, including by increasing the numbers of civilian police and specialized civil administration and humanitarian personnel. Rapidly deployable units of military and police are also required. Also essential is the capacity to deploy quickly a Mission headquarters. (Recommendation 28)	**The report of the Panel on United Nations Peace Operations** (A/55/305-S/2000/809) was presented to the Secretary-General on 17 August 2000 and submitted by him to the Security Council on 21 August 2000. In its report, the Panel recommends reforms in the Organization's capacity to rapidly deploy peace operations (see paras. 86-91 and 102-169). It concludes, inter alia, that traditional United Nations peacekeeping operations should be fully deployed within 30 days and more complex peacekeeping operations, such as those for intra-State conflicts, within 90 days. The Panel calls upon Member States to work together to ensure coherent, multinational, brigade-sized forces, ready for effective deployment within these timelines. The United Nations Secretariat should establish an on-call list of about 100 military and 100 police officers and experts from national armies and police forces, who would be available for immediate deployment within seven days. Conditions of service for civilian specialists should be revised to enable the United Nations to attract more qualified personnel, and reward good performances with better career prospects. During **the Millennium Summit of the United Nations**, held in September 2000, the Security Council met at the level of heads of State and Government to discuss the need to ensure an effective role for the Security Council in the maintenance of international peace and security, particularly in Africa. The Council in its resolution 1318 (2000), underlined the importance of enhancing the United Nations

Recommendations	*Action taken since September 1999*
	capacity for rapid deployment of peacekeeping operations and urged Member States to provide sufficient and timely resources. The report of the Panel on United Nations Peace Operations was endorsed by the Security Council in resolution 1327 (2000), in which it recognized the importance of rapid deployment of troops, police and civilian personnel in mission areas and urged the Secretary-General to consult with troop-contributing countries on how best to achieve this important objective. **The General Assembly** at its fifty-fifth session endorsed some of the recommendations contained in the report and appropriated an additional amount of $363,000 under political affairs, and $37,200 under management and central support services. The General Assembly also approved expenditures of $9,190,200 gross for peacekeeping operations for the period from 1 July 2000 to 30 June 2001. **The United Nations Standby Arrangement System**. The Panel on United Nations Peace Operations also drew attention to the importance of promoting a precise understanding of Member States armed forces and their capacities in regard to peacekeeping. To date, 88 countries have officially expressed their willingness to participate. The High Readiness Brigade was created in response to the Secretary-General's call for a rapid deployment force. It currently comprises units from Argentina, Canada, Denmark, the Netherlands, Norway, Poland and Sweden, units trained to the same standards, for deployment in operations under Chapter VI of the Charter of the United Nations.
2. Establish a permanent technical review mechanism of United Nations and regional sanctions which can use information provided by Council members, relevant financial institutions, the Secretariat, agencies and other humanitarian actors to ascertain the probable impact of sanctions on civilians. (Recommendation 23)	No permanent technical review mechanism of the United Nations and regional sanctions has been established yet. A first step, however, has been taken by the Security Council in resolution 1333 (2000), by which it imposed sanctions on the Taliban. For the first time, the Council decided to include a "sunset" clause, according to which the Secretary-General was requested to review the humanitarian implications of the measures imposed and

Recommendations	*Action taken since September 1999*
	report to the Council within 90 days of the adoption of resolution 1333 (2000). The Secretary-General, in consultation with the sanctions Committee, would also continue to report at regular intervals thereafter on any humanitarian implications and submit a comprehensive report no later than 30 days prior to the expiration of these measures.
3. Impose arms embargoes in situations where civilians and protected persons are targeted by the parties to the conflict, or where the parties are known to commit systematic and widespread violations of international humanitarian and human rights law, including the recruitment of child soldiers; and urge Member States to enforce these embargoes in their own national jurisdictions. (Recommendation 26)	The two most recent examples of weapon embargoes imposed by the Security Council apply to Afghanistan (resolution 1333 (2000)) and Ethiopia/Eritrea (resolution 1298 (2000)). With regard to the latter, the Council noted with concern that the fighting between Ethiopia and Eritrea had serious humanitarian implications for the civilian population of the two States and demanded the earliest possible reconvening of substantive peace talks under the auspices of the Organization of African Unity. Member States were asked to prevent the sale or supply to Eritrea and Ethiopia of weapons, ammunition, military vehicles, equipment and spare parts, as well as any provision to the two countries of technical aid or training related to the manufacture or use of arms. In the case of Afghanistan, States were to prevent the direct supply, sale or transfer of arms to the territory controlled by the Taliban.
4. Consider deployment in certain cases of a preventive operation, or of another preventive monitoring presence. (Recommendations 12)	Since the deployment of the United Nations Preventive Deployment Force in the former Yugoslav Republic of Macedonia and the United Nations Mission in the Central African Republic, no peacekeeping operation has been established within the strict framework of conflict prevention.
5. Make greater use of targeted sanctions to deter and contain those who commit egregious violations of international humanitarian and human rights law, as well as those parties to the conflict which continually defy the resolutions of the Council, thereby flouting its authority. (Recommendation 22)	Despite the recommendations of the **Interlaken process**, sanctions regimes targeting specific groups of individuals have not been established yet. The Interlaken process on targeted financial sanctions was finalized in 1999 and aimed at improving the effectiveness of financial sanctions regimes and limiting the humanitarian impact of comprehensive economic embargoes. Experts concluded that, although targeted financial sanctions appeared to be technically workable, serious difficulties

Recommendations	*Action taken since September 1999*
	remained in the tracking of financial transactions and localization of financial assets. Furthermore, it was noted that international cooperation among Member States would need to be formalized to ensure the proper implementation of sanctions and that more consistent United Nations sanctions resolutions with the appropriate technical guidelines should be adopted. The **Bonn-Berlin process** followed the model of the Interlaken process in investigating how to make United Nations sanctions better targeted, but with the primary focus on arms embargoes and travel and aviation sanctions. It was suggested that an extensive monitoring mechanism for arms embargoes should be established and that consideration could be given to the imposition of secondary measures in cases of proved violations.
6. Deploy international military observers to monitor the situation in camps for internally displaced persons and refugees when the presence of arms, combatants and armed elements is suspected; and if such elements are found and national forces are unable to or unwilling to intervene, deploy regional or international military forces that are prepared to take effective measures to compel disarmament of the combatants or armed elements. (Recommendation 35)	No international military observers have been deployed for the purpose of monitoring the situation in camps for internally displaced persons and refugees. However, military observers have sometimes carried out this task as part of their regular activities. Being increasingly faced with dangerous situations in camps and settlements for refugees and internally displaced persons, UNHCR has made various attempts to improve security in such camps and to preserve their civilian nature. In the camps established for Rwandan refugees in eastern Zaire (now the Democratic Republic of the Congo), UNHCR paid and equipped a special Zairian contingent, recruited from Zairian presidential guard, to monitor security conditions. In addition, UNHCR has supported Tanzanian police officers in carrying out their task of enhancing security in camps of Burundian refugees in the United Republic of Tanzania and in ensuring the civilian and humanitarian character of those camps. In camps established for Kosovo Albanian refugees in the former Yugoslav Republic of Macedonia, UNHCR arranged for the deployment of an international police adviser.

Recommendations	*Action taken since September 1999*
7. Underscore in its resolutions, at the onset of a conflict, the imperative for civilian populations to have unimpeded access to humanitarian assistance, and for concerned parties, including non-State actors, to cooperate fully with the United Nations humanitarian coordinator in providing such access, as well as to guarantee the security of humanitarian organizations, in accordance with the principles of humanity, neutrality and impartiality, and insist that failure to comply will result in the imposition of targeted sanctions. (Recommendation 18)	In many of its recent resolutions, including resolutions on the situations in the Democratic Republic of the Congo, East Timor, Ethiopia/Eritrea and Sierra Leone, the Security Council underscored the importance of civilian populations having unimpeded access to humanitarian assistance. When establishing the United Nations Mission in Sierra Leone by resolution 1289 (2000), the Council authorized the Mission to take necessary action to afford protection to civilians under imminent threat of physical violence, and reiterated this mandate in resolution 1313 (2000). The following resolutions have included similar provisions on the need for unimpeded access to humanitarian assistance: resolution 1272 (1999) on the establishment of the United Nations Transitional Administration in East Timor; resolution 1291 (2000) on the situation concerning the Democratic Republic of the Congo; and resolutions 1312 (2000) and 1320 (2000) on the situation between Eritrea and Ethiopia.
8. Ensure that, whenever required, peacekeeping and peace enforcement operations are authorized and equipped to control or close down hate media assets. (Recommendation 16)	No peacekeeping or peace enforcement operation has yet been authorized to close down the assets of hate media.
9. In the face of massive and ongoing abuses, consider the imposition of appropriate enforcement action. Before acting in such cases, either with a United Nations, regional or multinational arrangement, and in order to reinforce political support for such efforts, enhance confidence in their legitimacy and deter perceptions of selectivity or bias towards one region or another, the Council should consider the following factors: (a) The scope of the breaches of human rights and international humanitarian law, including the numbers of people affected and the nature of the violations;	There is an ongoing global debate among Member States on the relationship between military intervention to halt or prevent cases of widespread and systematic violations of international humanitarian and human rights law and State sovereignty. One such initiative is the International Commission on Intervention and State Sovereignty, which was established in September 2000 and is seeking to reconcile the concepts of interventions and State sovereignty. The Commission is an independent international body designed to help bridge the two concepts. Its aim is to build a broader understanding of these issues and to foster a global political consensus on how to move towards action within the United Nations system. The Commission intends to finalize its report by the autumn of 2001.

Recommendations	*Action taken since September 1999*
(b) The inability of local authorities to uphold legal order, or identification of a pattern of complicity by local authorities;	
(c) The exhaustion of peaceful or consent-based efforts to address the situation;	
(d) The ability of the Security Council to monitor actions that are undertaken;	
(e) The limited and proportionate use of force, with attention to repercussions upon civilian populations and the environment. (Recommendation 40)	